



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2404947
Applicant Name: Brittani Ard
Address of Proposal: 10723 24th Avenue NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land in an environmentally critical area (40% steep slope area). Proposed parcel sizes are: A) 8,987 sq. ft. and B) 10,559 sq. ft. Existing single family residence on Parcel A to remain.

The following approvals are required:

Short Subdivision: To subdivide one existing parcel into two parcels of land.
(Chapter 23.24, Seattle Municipal Code).

SEPA: Environmental Determination (Chapter 25.05 SMC)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving
another agency with jurisdiction.

BACKGROUND DATA

Site Description

The subject property is located in a Single Family 7200 (SF 7200) zone, on the west side of 24th Avenue NE, approximately 117 feet from the intersection of 24th Avenue NE and NE 107th Street. The approximately 19,546 square foot irregular-shaped site is a through lot fronting on two streets, 24th Avenue NE to the east and Victory Lane NE to the west. The entire site has approximately 174 feet linear frontage on 24th Avenue NE and approximately 74 feet linear frontage on Victory Lane NE with approximately 169 feet lot depth. There are no curb, gutter and sidewalks (that meet current standards) on the abutting streets.

The subject property is developed with a two story single family residence. The existing house is situated on the northern portion of the site near the 24th Avenue NE frontage. Vehicular and pedestrian access to the site is available to 24th Avenue NE to the east and Victory Lane NE to the west.

The topography of the site contains an identified environmentally critical area as defined in SMC 25.09.180: Steep Slopes. The steep slopes are identified along the southern western, and a portion of the northern and eastern edges of the site, while the central portion slopes gently to the east and is landscaped. These steep slopes are identified by the Geotech engineers as ranging from 5 to 15 feet tall in the northern and eastern portions to 20 feet tall in the south. However, under Project #2404375 and according to geotechnical information provided by GeoTech Consultants, Inc. August 24, 2004, a limited exemption from ECA Steep Slope Development Standards was approved for this site on the basis that the on-site slopes are less than 20-feet in height or created by legal grading activities. Potential vehicular and pedestrian access to proposed Parcel B would be from 24th Avenue NE to the east of the site. Most of the undeveloped portion of the site consists of moderately dense undergrowth with several large and medium sized deciduous and evergreen trees.

The Single Family zone abuts L-1 and L-3 zones to the east to the south of subject site, while to the north and further to the east, the Single Family 5000 zone abuts the C1-40 zone. Surrounding zoning is Single Family 5000 (SF-5000). Development in the vicinity is predominantly single family residential uses.

Proposal

The applicant proposes to subdivide one 19,546 square foot lot into two (2) parcels of land in a Steep Slope Environmentally Critical Area. Proposed parcel areas are: A) 8,987 sq. ft. and B) 10,559 sq. ft. The existing single family residence on proposed Parcel A located on the northern portion of the site will remain and will have direct vehicular and pedestrian access from 24th Avenue N.E to the east and Victory Lane NE to the west. The proposed Parcel B is undeveloped and contains 6148 square feet of ECA area located along the southern western, and a portion of the northern and eastern edges together with 4,411 square feet of portion that slopes gently to the east in the center.

Public Comment

The comment period began on September 16, 2004 and ended on September 29, 2004. Two public comments letters were received. Both comments expressed concerns about the potential slope destabilization and drainage problems that may occur as a result of proposed development. The respondents assert that the proposed development of the site would result in the removal of trees thus increasing the chance of excessive run-off on the property and possibly impacting the abutting 24th Avenue NE and other properties below the slope.

ANALYSIS - SHORT SUBDIVISION

Based on information provided by the applicant, referral comments from DPD's Drainage Section, Seattle Fire Departments, and Seattle Public Utilities (Seattle City Light and Water Department); and review by the Land Use Planner, the following findings are made with respect to the applicable criteria:

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat.

1. Conformance to the applicable Land Use Code provisions;

The site is located within the Single Family 7200 zone (SF-7200).

This proposal will divide the subject lot into parcels of land as follows:

- Parcel A: 8,987 square feet
- Parcel B: 10,559 square feet.

The resulting lot areas exceed the 7200 square foot minimum lot size for each of the proposed lots. The existing residence on Parcel A will continue to comply with Land Use Code development standards. Therefore, the parcels created by the proposed subdivision of land satisfy the minimum lot area requirement of the underlying zone.

The lots created by the proposed short subdivision will conform to all development standards of the SF 7200 zone and the Environmentally Critical Area Ordinance. The lot configuration provides an adequate buildable area to meet applicable yards, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;

DPD has circulated this proposed Short Subdivision to all city agencies with jurisdiction for review of utilities, access, and fire protection. All utilities are presently extended to Parcel A, and any changes in services would require approval of the respective utility.

Parcel A is a through lot and has street frontage on 24th Avenue NE to the east and Victory Lane NE to the west. The existing single family residence on Parcel A, will have approximately 72 feet of street frontage on 24th Avenue NE and approximately 51 feet of street frontage on Victory Lane NE, although there is available vehicular and pedestrian access on both streets. Proposed Parcel B is also a through lot and will have adequate vehicle, pedestrian, utility and fire protection access. Proposed Parcel B appears to have approximately 102 feet frontage along 24th Avenue NE and approximately 22 feet of frontage on Victory Lane NE, although adequate vehicular access would be available from 24th Avenue NE through the gentler sloping central area of the lot abutting the street. The Seattle Fire Department has reviewed and approved this proposal for adequacy of emergency vehicle access. The applicant would have to sign a no protest agreement to allow future street improvement in this area. Seattle City Light does not require any additional easements to provide electricity.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on September 16, 2004 (WAC ID No. 2004-1363).

The existing structure is connected by means of a single side-sewer to an 8-inch public Sanitary sewer (PSS) located in 24th Avenue NE.

Due to a lack of suitable infrastructure in the vicinity, storm-water will need to be managed on site. However, an approved drainage plan in response to Drainage review recommendations was submitted on December 30, 2004, which shows an existing unmapped culvert across 24th Avenue NE. This area is part of the Thorton Creek Drainage Basin and flow control will be required with future building permits. Additional plan review requirements will be made at the time of building permit application in accordance with any applicable storm-water ordinance in effect at the time.

4. *Whether the public use and interests are served by permitting the proposed division of land.*

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short Subdivisions and Subdivisions, in Environmentally Critical Areas.*

The site is within an identified designated Environmentally Critical 40% steep slope area. However, under project #2404375 and according to geotechnical information provided by GeoTech Consultants, Inc. August 24, 2004, a limited exemption from ECA Steep Slope Development Standards was approved for this site on the basis that the on-site slopes are less than 20-feet in height or created by legal grading activities. Therefore, this short subdivision is exempt from the provisions of SMC 25.09.240.

New construction on proposed Parcel B will be subject to the provisions SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code. Therefore, this proposed short subdivision is exempt from City of Seattle Regulations for development in Environmentally Critical Areas.

6. *Is designed to maximize the retention of existing trees:*

The southern portion of the site is mostly covered with several large to medium sized deciduous and evergreen trees with thick underbrush. Except for two evergreen trees located on the flatter area of the lot, the rest of the trees are spotted mostly on the sloped area of the site. The proposed configuration of Parcel B has enough buildable area to not necessitate the removal of additional trees. Thus the proposal has been designed to maximize the retention of existing trees on the property.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivision, when the subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, cluster housing, or single family housing:*

This Short Subdivision is not a unit lot subdivision. Thus, this section is not applicable to this short plat application.

8. *Conformance to the provisions of Section 23.24.046, multiple single family dwelling units on a single family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single family dwelling unit:*

This Short Subdivision is not a multiple single family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

ANALYSIS - SEPA

The proposal site is located in a Steep Slope Environmentally Critical Area, thus the short subdivision is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated September 9, 2004, and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short - Term Impacts

The following temporary impacts are expected: 1) temporary soil erosion; and 2) loss of soil stability. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); 2) Stormwater, Drainage and Grading Code (temporary soil erosion); and 3) Regulations for Environmentally Critical Areas. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located in a landslide-prone environmentally critical area. Therefore, additional discussion of earth/soils impacts is warranted.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by GeoGroup Northwest, Inc. April 20, 2004 and Supplemental Letter, May 20, 2004. The report evaluates the soil and site conditions and provides recommendations for future construction.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long - Term Impacts

The long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); and the Regulations for Environmentally Critical Areas. There are no long-term significant impacts from the proposed short subdivision.

Summary

The City's adopted codes and/or ordinances will adequately provide mitigation for short-term and long-term impacts. Additional mitigation pursuant to SEPA conditioning authority is not warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

The owner(s) and responsible party(s) shall:

Prior to Recording

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Include the following on the face of the plat: "Any tree removal or replacement is subject to the requirements of Seattle Municipal Code 23.44.008.I.Tree Requirements. All future construction is subject to the applicable code provisions of SMC 25.09, Tree Protection. All trees shall remain on site until such time that building permit is approved and issued which allows for removal of trees on site."
3. Provide final recording forms and fees.

After Recording and Prior to Issuance of a Building Permit

4. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

Signature: _____ (signature on file) Date: January 20, 2005
Christopher Ndifon, Land Use Planner

CN:bg